

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

UNITED STATES	§	
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	Civil Action No. 2:13-cv-193 (lead)
	§	(consolidated w/ 2:13-cv-263)
TEXAS, ET AL	§	
	§	
<i>Defendant(s).</i>	§	
	§	

**DEFENDANTS' MOTION TO DISMISS THE COMPLAINT IN
INTERVENTION OF PLAINTIFF-INTERVENORS TEXAS ASSOCIATION
OF HISPANIC COUNTY JUDGES ET AL.**

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I. FOR REASONS ADDRESSED IN THE STATE’S ORIGINAL MOTION TO DISMISS, THE CLAIMS BY PLAINTIFFS TEXAS ASSOCIATION OF HISPANIC COUNTY JUDGES AND COUNTY COMMISSIONERS AND MARIA LONGORIA BENEVIDES ALSO SHOULD BE DISMISSED.

For all the reasons explained in the State’s original motion to dismiss, *see* Mot. to Dismiss, (Oct. 25, 2013) (Doc # 52), these new plaintiffs’ claims also should be dismissed for failure to state a claim. The plaintiffs have alleged an injury in fact. But the Voting Rights Act was not passed to protect counties from the costs of complying with state law. The VRA protects voters, so the remedies the plaintiffs seek depend on their asserting the right of third parties. As we explained in our original motion to dismiss and reply in support, *see* Doc #52; Doc. # 108, the plaintiffs have failed to plead facts that satisfy the remaining two elements of third-party standing under *Powers v. Ohio*, 499 U.S. 400 (1991), and their insufficient pleadings should be dismissed.

Respectfully submitted.

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Dated: December 10, 2013

CERTIFICATE OF SERVICE

I hereby certify that a copy of Defendants' reply brief was served via the *CM/ECF system* on December 10, 2013, to:

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